

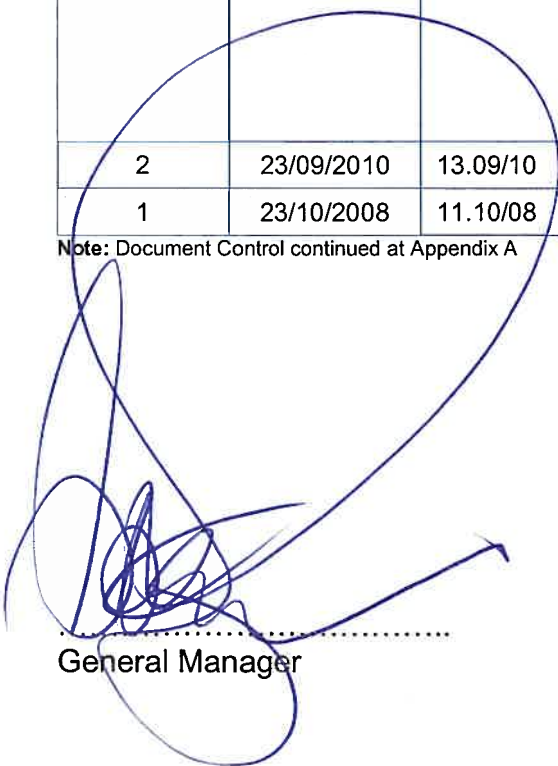


Grievance Resolution Policy

DOCUMENT AUTHORISATION

RESPONSIBLE OFFICER:		MANAGER OF ADMINISTRATION AND HUMAN RESOURCES			
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5	23/05/2019	15.05/19	Minor updates to document and contact details.	MAHR	Council
4	24/09/2015	18.09/15	Implementation section added, review date changed to three (3) years, Contact Officer details updated.	MAHR	Council
3	26/09/2013	21.09/13	Recommendations from NSW Anti-Discrimination Board (ADB) included. Impartiality and procedural fairness definitions updated. List of Contact Officers added.	MAHR	Council
2	23/09/2010	13.09/10		MAHR	Council
1	23/10/2008	11.10/08		MAHR	Council

Note: Document Control continued at Appendix A



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General Manager

12/4/21
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Date

PURPOSE

The purpose of this policy is to:

- Provide a mechanism by which aggrieved employees may receive prompt, fair and consistent consideration of their complaints;
- help resolve employment problems within the organisation in a spirit of fairness and co-operation; and
- minimise grievances by taking early preventative or corrective action.

APPLICABILITY

This policy applies to any employment-related grievances for which there are no alternative resolution procedures.

OUTCOMES

Council has a Grievance Resolution Procedure that provides a mechanism for the prompt, fair and consistent resolution of grievances, minimising disputes and providing a supportive environment for employees.

ROLES AND RESPONSIBILITIES

Roles and responsibilities are set out in the Grievance Resolution Procedures (Appendix B).

DEFINITIONS

A grievance or dispute is deemed to exist when an employee alleges that they have been treated unfairly by Council or another employee on workplace or work-related issues. This definition includes a potential dispute or grievance.

POLICY STATEMENT

Council will establish a procedure to address the resolution of grievances in a prompt, fair and consistent matter (**Appendix B – Grievance Resolution Procedures**).

If a dispute or grievance is found to have substance, Council will undertake remedial or corrective action without delay so that the possibility of a recurrence is eliminated or minimised. As far as is practicable, work practices shall continue as normal while an alleged grievance or dispute is in the process of being resolved.

Parties have a responsibility to resolve grievances by conciliation. If "in-house" attempts to resolve a grievance are not working, external mediators with recognised expertise may be called upon to assist in resolving grievances.

If a grievance is found to be frivolous, vexatious or contrived, the employee(s) involved may be subject to disciplinary action.

If a grievance or dispute is found to have arisen as a result of misconduct, the supervisor dealing with the matter must refer it to the relevant department head for appropriate action, which may include disciplinary action.

LEGISLATION AND SUPPORTING DOCUMENTS

Relevant Legislation, Regulations and Industry Standards include:

- Local Government (State) Award 2020

Relevant Council Policies and Procedures include:

- Glen Innes Severn Council Grievance Resolution Procedures

VARIATION AND REVIEW

The Grievance Resolution Policy shall be reviewed every three (3) years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council. The term of the Policy does not expire on the review date, but shall continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.

Appendix A**Document Control Continued**

PREVIOUS VERSIONS:	DATE:	RESOLUTION NO:	DESCRIPTION OF AMENDMENTS:	AUTHOR / EDITOR:	REVIEW / SIGN OFF:
2	23/09/2010	13.09/10		MAHR	Council
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Appendix B: Grievance Resolution Procedures

What Is a Grievance?

A grievance means any type of problem, concern or complaint about work or the work environment. For example, employees could have a grievance about:

- transfer or promotion;
- staff development or training availability;
- rosters or hours of work;
- wage or salary levels;
- leave allocation;
- the work environment;
- safety in the workplace;
- the nature of supervision;
- performance appraisal;
- discrimination or harassment.

Council recognises that employees can't do a good job, or be fully productive, if they feel management or anyone else is treating them unfairly, discriminating against them or harassing them.

Important Points

Confidentiality

Only the people directly involved in the grievance, or in sorting it out, can have access to information about an employee's grievance. Information only goes on an employee's personnel file if they are disciplined as part of sorting out the grievance.

Impartiality and Procedural Fairness

All parties will get a chance to tell their side of the story and have access to support or representation if they want or need it. They will have reasonable and adequate time to gather evidence, nominate witnesses, arrange for a support person, and obtain independent advice or support from relevant external agencies or unions.

No one will make any assumptions or take any action (other than reasonable managerial actions required to manage the immediate situation or facilitate an investigation) until all relevant information has been collected and considered.

Freedom from Unfair Repercussions or Victimisation

Council will take all necessary steps to make sure that employees involved in a grievance are not victimised by anyone for coming forward with the grievance or for helping to sort it out. Any victimisation will be disciplined. However, if employees use this grievance procedure to lie about someone they too can be disciplined. Of course, if Council decides that there is a need to take disciplinary action against someone for breaching any of its policies or standards, then it will do so. However, this will be done fairly and consistently.

Resolution of Grievances with a Minimum of Fuss

Council aims to sort out all grievances at the lowest level possible with the minimum of fuss. In many cases grievances can be sorted out by agreement between the parties involved with no need for disciplinary action.

Sensitivity

The people who help sort out grievances have been specially trained to treat all grievances sensitively. Employees won't be laughed at or treated badly for making a grievance or for explaining their side of the story.

Time Frame

Council aims to deal with all grievances as quickly as possible. There are time limits for the different stages. Council aims to sort out all grievances within four weeks, if at all possible. Most grievances can be sorted out even faster than this.

What to do if you have a grievance

	What to do	When
Step 1	If you can, try to sort it out yourself with the person or people involved. You may find that they didn't mean to do what they did.	Do this as soon as possible.
Step 2	If: <ul style="list-style-type: none"> • you aren't sure how to handle the problem yourself, or • you just want to talk confidentially about the problem with someone and get some more information about what you can do, talk to any one of the grievance contact/support officers. <i>See below for more about what they do and for a list of contact/support officers.</i>	Do this as soon as possible. The contact / support officer must speak with you as soon as they can and preferably on the same day you ask to see them.
Step 3	To get the grievance sorted out, go to see: <ul style="list-style-type: none"> • your supervisor, or if you don't want to see them, • your manager, or if you don't want to see them, • any other supervisor or manager within your department, who is at a higher level than you, or anyone in human resources. For what they will do see below.	Do this as soon as possible. The person you see must get full information from you as soon as possible. Unless there is a very good reason they must do this within two (2) working days. They must then sort out the grievance as fast as possible — see below for more information on time limits.
Step 4	If you are unhappy with the way the grievance is being, or has been, dealt with, you can appeal to: <ul style="list-style-type: none"> • the manager of the person who was/is dealing with your grievance, or if you don't want to see them • any other more senior manager or member of human resources. <i>For what they will do see below.</i>	Do this as soon as possible. Council aims to have any appeal sorted out as quickly as possible.
Step 5	If you are still unhappy, you can get advice from any relevant external agency, for example: <ul style="list-style-type: none"> • the NSW Anti-Discrimination Board • the Australian Human Rights Commission • the NSW Industrial Relations Commission • the Australian Industrial Relations Commission <i>See below for contact numbers.</i>	Do this as soon as possible. Each agency will tell you what their time limits are.

What will a grievance contact/support officer do?

Grievance contact/support officers are ordinary employees who volunteered for this job. They have been trained to help anyone who has, or thinks they may have, a grievance.

A contact/support officer can give employees confidential advice about the best way to tackle their grievance and where they can go if they need more help. A contact/support officer is not allowed to investigate or deal with an employee's grievance. However, they can go with the employee to see someone who can sort it out for them. *For a list of contact officers see below.*

What will the person dealing with an employee grievance do?

Wherever practical, within two (2) working days of an employee approaching them they will:

1. Get full information from the employee about their grievance and what will sort it out as far as the employee is concerned.
2. Explain how the rest of the grievance procedure works (including what will be done to protect the employee from victimisation). They will also refer the employee to people who can provide them with support or representation if they need either of these.
3. Decide if they are the appropriate person to continue handling the grievance — they may be too junior in the hierarchy, too biased or seen to be too biased, to handle the grievance. If they can't handle it, they will refer the employee to another appropriate supervisor / manager / grievance handler. That person will talk with the employee and then continue the process as described below.

Wherever practical, within two (2) working days of the employee interview with them they will:

4. Put the information they've received from the employee to the other person/s and get their side of the story.

Wherever practical, within one (1) week of interviewing the other person/s, and no later than four (4) weeks from the date the employee first approached the grievance handler they will:

5. Work out whether the matter(s) alleged in the employee's grievance is serious enough to be disciplinary: *see under 'What are the possible outcomes?' below.*
6. Work out whether they now have enough information to know whether the matter(s) alleged in the grievance did or didn't happen.

7. If they don't have enough information to know whether the matter(s) alleged in the grievance did or didn't happen, and the allegation or counter-allegation is serious enough to be disciplinary, they may need to speak to witnesses. If there are no witnesses, they may need to refer the grievance to Human Resources staff to decide what to do about it.
8. If they decide to speak to witnesses, they will do this very carefully, so as not to breach confidentiality. They won't speak to any more witnesses than they need to speak to.
9. Decide how the grievance should be resolved (dealt with) and let everyone involved know. They will do this in the following way:
 - When the grievance involves an allegation of a non-disciplinary or minor disciplinary nature, and the main facts are not in dispute, they will 'mediate' it. This means they will help all parties involved in the grievance come to a joint agreement about how the grievance should be resolved.
 - When the grievance involves an allegation of a non-disciplinary or minor disciplinary nature, and the main facts are in dispute, they will:
 - Inform all parties involved about what might have happened had the grievance been proven one way or the other;
 - Inform both parties involved about the disciplinary consequences of any further victimisation;
 - Inform both parties involved about their right to appeal;
 - Consider the need for staff training in particular policies or standards;
 - Monitor developments.
 - When the grievance involves an allegation of a more serious nature they (or a more Senior Manager) will work out whether, on the 'balance of probability', the unjustified treatment, discrimination or harassment did or didn't happen. They will then make a management decision about how the complaint should be resolved, in consultation with Council's Manager of Administration and Human Resources. This will usually involve a disciplinary measure against one (1) or more employees. The type of discipline will obviously depend on the level of breach/problem that has happened. Discipline could range from a verbal apology for a less serious incident, through to dismissal for a very serious incident or series of incidents. Discipline will be imposed in a fair and consistent manner across the organisation: *see under 'disciplinary action' below for more about what type of discipline to expect.*
10. Consider if there is a need to use a mediator to help everyone readjust to working effectively together.

For the next few months they will:

11. Monitor the outcome to make sure there are no further repercussions.

What are the possible outcomes?

Joint agreement

Many grievances will be able to be settled by joint agreement between the parties involved in the grievance.

No records or notes will go on anyone's personnel file. The contact/support officer and person who handled the grievance will write a confidential report. This report will be filed in a confidential grievance filing system within human resources. Only Senior Managers and the Manager of Administration and Human Resources will have access to this, and only when necessary.

Not enough proof to be able to act

If there is not enough proof to work out who is telling the truth, no disciplinary action will be taken. Instead, Council may decide to:

- keep a closer watch on the people involved;
- consider wider staff training on the particular policy or standard involved;
- take other appropriate action.

Of course, anyone involved in the grievance has a right to appeal: see *under 'How will the appeal work?' below*.

No records or notes will go on anyone's personnel file. The contact/support officer and person who handled the grievance will write a confidential report. This report will be filed in a confidential grievance filing system within human resources. Only Senior Managers and the Manager of Administration and Human Resources will have access to this, and only when necessary.

Disciplinary action

If the person sorting out the grievance decides that there has been a breach of one (1) of Council's policies or standards, the person or people who breached the standard or policy may be disciplined.

If an employee grievance consists of lies, the employee can be disciplined. If the parties that the grievance is against are found to have committed a breach of one (1) of Council's policies or standards, they can be disciplined.

The level of discipline will depend on such things as:

- the seriousness of the breach;
- whether the employee knew what they were doing and intended to do it;
- whether the employee has been officially warned or disciplined before about this type of breach;
- whether there are any circumstances that mean the employee should not be disciplined at all, or not disciplined so seriously.

Discipline could involve, but is not limited to, one or more of the following:

- a written apology;
- counselling;
- an official warning;
- loss of promotion rights or wage/salary increases for a specified period;
- transfer or demotion;
- dismissal.

Policy Number HR.8.04 “Unsatisfactory Performance/Disciplinary Procedures Policy” located in Council’s Human Resources Policy Statement Register, specifies the types of behaviour that can lead to dismissal.

A record of the grievance and the resulting disciplinary action will be placed on the personnel file of the employee who is disciplined. The contact/support officer and grievance handlers will also send all their notes and a copy of the record of the grievance to the person in charge of the confidential grievance filing system within human resources.

How will the appeal work?

The person who handles an appeal will generally ‘rehear’ the grievance, by going through the same steps as the person who handled the original grievance. However, they may decide to interview more witnesses if they think they will be able to help.

They may confirm the original decision or overturn it.

In addition, if they believe any contact/support officer or the original grievance handler mishandled the grievance in a way that breaches this grievance procedure, they may recommend disciplinary action against that person.

Who else can help?

At any time during a grievance an employee can get legal advice from their union representative or any other legal representative. If an employee wants to bring a union or legal representative to any grievance meeting they can do this.

Employees can also get confidential support and advice from any of the contact or support officers at any time during the grievance. Employees can get advice from one (1) of these people if they are the person who has the grievance or if they are the person who has been ‘accused’ of doing something wrong.

In addition, at any time during an employee’s grievance they have the right to contact an external agency for advice or help. Employees can also do this if they are unhappy with the way the grievance has been resolved. Agencies that may be able to help are:

NSW Anti-Discrimination Board

Level 7 / 10 Valentine Avenue PARRAMATTA NSW 2150 (PO Box W213, Parramatta Westfield NSW 2150) ph (02) 9268 5555 fax (02) 9268 5500	84 Crown St WOLLONGONG NSW 2500 ph (02) 4267 6200 fax (02) 4267 6261	Suite 5, Level 5, 400 Hunter Street NEWCASTLE NSW 2300 ph (02) 4903 5300 fax (02) 4929 7952
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Toll free number 1800 670 812 if you are calling from outside the Sydney area
Website: www.lawlink.nsw.gov.au/adb

Australian Human Rights Commission

Level 3, 175 Pitt Street
Sydney NSW 2000
ph (02) 9284 9600
fax (02) 9284 9611
toll free 1300 656 419

NSW Industrial Relations Commission

52 Martin Place
Sydney NSW 2000
ph 131 628

Fair Work Commission

Terrace Tower
10 80 William Street
East Sydney NSW 2010
ph 1300 799 675
Website: www.fwc.gov.au

United Services Union

Level 7, 321 Pitt Street
Sydney 2000
ph (02)9265 8211
fax (02) 9261 2265
toll free 1300 136 604
Website: www.usu.org.au

Human Resources Contacts

Peter Sayers (Manager of Administration & Human Resources)
Phone: 6730 2302 Email: psayers@gisc.nsw.gov.au

Helen Stapleton Human Resources Officer (Payroll)
Phone: 6730 2303 Email: hstapleton@gisc.nsw.gov.au

Internal Grievance Contact/Support Officers

Graham Archibald (Recreation & Open Spaces)
Phone: 6730 2364 Email: garchibald@gisc.nsw.gov.au

Mitchell Stibbard (Infrastructure Delivery)
Phone: 0436 914 391 Email: mstibbard@gisc.nsw.gov.au